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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,237	06/19/2003	Timothy Regan	1026-090/MMM 303083.01	5539
27195 7590 07/07/2008 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER BAYARD, DJENANE M				
ART UNIT 2141		PAPER NUMBER		
NOTIFICATION DATE 07/07/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/600,237

Applicant(s)

REGAN, TIMOTHY

Examiner

DJENANE M. BAYARD

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/14/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to amendment filed on 3/14/08 in which claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0030670 to Duarte et al in view of U.S. Patent Application No. 2004/0143633 to McCarthy.

- a. As per claims 1 and 11, Duarte et al teaches a method for allowing instant messaging between, a multi-user computer and an instant messaging device, comprising the steps of: receiving first login information from a first user of the multi-user computer by an instant messaging system; receiving second login information from a second user of the multi-user computer by the instant messaging system while the first user is logged in (See paragraph [0009-0020, 0028]; However, Duarte et al fails to teach providing and indication to the instant

messaging device that the first user and the second user are logged into the instant message system together through the multi-user computer.

McCarthy teaches providing and indication to the instant messaging device that the first user and the second user are logged into the instant message system together through the multi-user computer (See page 4, paragraph [0055] and page 6, paragraph [0070]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of McCarthy in the claimed invention of Duarte et al in order to process instant messaging in accordance with restrictions associated with privacy codes (See page 2, paragraph [0017]).

4. Claims 2 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0030670 to Duarte et al in view of U.S. Patent Application No. 2004/0143633 to McCarthy as applied to claims 1 and 11 above, and further in view of U.S. Patent Application No. 2003/0140103 to Szeto et al.

a. As per claims 2 and 20, Duarte et al in view of McCarthy teaches the claimed invention as described above. However, Duarte et al in view of McCarthy fails to teach wherein the second user is a guest and the second login information does not correspond to a specific instant messaging user.

Szeto et al teaches wherein the second user is a guest and the second login information does not correspond to a specific instant messaging user (See paragraph [0006, 0008]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Szeto et al in the claimed invention of Duarte et al in view of McCarthy in order to allow a guest user to connect and communicate through use of an instant messaging connection server (See paragraph [0005]).

5. Claims 3-10 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0030670 to Duarte et al in view of U.S. Patent Application No. 2004/0143633 to McCarthy as applied to claims 1 and 11 above, and further in view of European Patent Application No. EP 1 241 890 to Thomas.

a. As per claims 3 and 12, Duarte et al in view of McCarthy fails to teach providing a visual user interface to users of the multi-user computer concurrently with visual content from the multi-user computer.

Thomas teaches providing a visual user interface to users of the multi-user computer concurrently with visual content from the multi-user computer (See page 23, paragraph [0160]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas in the claimed invention of Duarte in view of McCarthy in order to allow users to simultaneously watch television and send real time communications (See paragraph [0160]).

b. As per claims 4 and 13 Duarte et al in view of McCarthy fails to teach providing rendering an instant message on the multi-user computer over a portion of the video display without a visible window surrounding the instant message.

Thomas teaches rendering an instant message on the multi-user computer over a portion of the video display without a visible window surrounding the instant message (See page 22, paragraph [0156]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention of Duarte et al in view of McCarthy in order to display chat messages and television programming simultaneously (See page 22, paragraph [0156]).

c. As per claims 5 and 14, Duarte et al in view of McCarthy fails to teach Thomas wherein the instant message is rendered with a user-discernible fade in and a user-discernible fade out.

Thomas teaches wherein the instant message is rendered with a user-discernible fade in and a user-discernible fade out (See paragraph [0156], *opaque and translucent*).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention of Duarte et al in view of McCarthy in order to display chat messages and television programming simultaneously (See page 22, paragraph [0156]).

d. As per claims 6 and 15, Duarte et al in view of McCarty fails to teach wherein the instant message is rendered over a marginal region of the video display.

Thomas teaches wherein the instant message is rendered over a marginal region of the video display (See page 22, paragraph [0156]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention of Duarte et al in view of McCarthy in order to display chat messages and television programming simultaneously (See page 22, paragraph [0156]).

e. As per claims 7 and 16, Duarte et al in view of McCarty fails to teach wherein the instant message is rendered over a user-selectable portion of the video display.

Thomas teaches wherein the instant message is rendered over a user-selectable portion of the video display (See page 22, paragraph [0156]).

It would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Thomas in the claimed invention of Duarte et al in view of McCarthy in order to display chat messages and television programming simultaneously (See page 22, paragraph [0156]).

f. As per claims 8 and 17, Duarte et al in view of McCarthy fails to teach providing a visual user interface to users of the multi-user computer concurrently with visual content from another source.

Thomas teaches providing a visual user interface to users of the multi-user computer concurrently with visual content from another source (See page 23, paragraph [0160]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas in the claimed invention of Duarte in view of McCarthy in order to allow users to simultaneously watch television and send real time communications (See paragraph [0160]).

g. As per claims 9 and 18, Duarte et al teaches transmitting one of plural predefined instant messages from the multi-user computer (See paragraph [0004]).

h. As per claims 10 and 19, Duarte et al in view of McCarthy fails to teach receiving from a wireless remote control device a user indication of the one of plural predefined instant messages transmitted from the multi-user computer.

Thomas teaches receiving from a wireless remote control device a user indication of the one of plural predefined instant messages transmitted from the multi-user computer (See page 19, paragraph [0130]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas in the claimed invention of Duarte in view of McCarthy in order to allow users to simultaneously watch television and send real time communications (See paragraph [0160]).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DJENANE M. BAYARD whose telephone number is (571)272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharra can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

/D. M. B./
Examiner, Art Unit 2141
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